

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**COMPLAINT OF BENJAMIN P. URBELIS  
FOR EXONERATION FROM AND/OR  
LIMITATION OF LIABILITY,  
CIVIL AND MARITIME**

**CIVIL ACTION  
NO .**

**TO THE HONORABLE THE JUDGES OF THE UNITED STATES  
DISTRICT COURT IN AND FOR THE DISTRICT OF MASSACHUSETTS**

The Complaint of Benjamin P. Urbelis for exoneration from/or limitation of liability, in connection with the alleged personal injury (s) sustained by individual(s) while they were guests onboard the M/V NAUT GUILTY on May 30, 2015, in a cause of limitation of liability, Civil and Maritime.

The Plaintiff alleges on information and belief as follows:

**First:** The M/V NAUT GUILTY was and now is at all times relevant hereto a twenty- nine [29] foot power boat owned solely by Benjamin P. Urbelis, an individual residing within this District at 24 Austin Street, Charlestown, Massachusetts 02129. On or about May 30, 2015, the M/V NAUT GUILTY departed Charlestown, Massachusetts and proceeded upon a voyage on the navigable waters of Boston Harbor. The said M/V NAUT GUILTY at the commencement of her voyage aforesaid was tight, strong, fully manned, equipped and supplied and in all respects seaworthy and fit for the service in which she was engaged.

**Second:** On or about May 30, 2015, Ms. Nicole Berthiaume and other individual(s) were onboard the M/V NAUT GUILTY as guests. The M/V NAUT GUILTY transited upon the navigable waters of Boston Harbor to the Boston

Harbor Islands. When the M/V NAUT GUILTY arrived off Spectacle Island, it anchored and was involved in an event whereby Ms. Nicole Berthiaume did and other individual(s) may have sustained personal injury(s).

**Third:** The aforesaid event and resulting loss, damage, and injury(s) were not caused by or contributed to by any negligence or fault on the part of the Plaintiff or of those whom the Plaintiff is responsible, and Plaintiff denies any such loss, damage, and injury were done, occasioned by, or occurred with any privity or knowledge of the Plaintiff.

**Fourth:** No suits, to Plaintiff's knowledge, have to date been commenced for the loss or damage or injury resulting from the aforesaid event. The Plaintiff fears that libels, suits, or claims filed, begun or asserted against the M/V NAUT GUILTY or the Plaintiff or either of them on behalf of Ms. Nicole Berthiaume and other persons for alleged damages sustained as a result of said event.

**Fifth:** The M/V NAUT GUILTY did not sustain any physical damage as a result of said event. There were no freights pending at the time of the event.

**Sixth:** The Plaintiff claims exemption from liability for any and all loss, destruction, damage, and injury occasioned or incurred by or resulting from the event and for all claims for damages that have been made or may hereafter be made, and by reason of the facts hereinbefore set forth, the Plaintiff desires in this proceeding to contest his liability and the liability of said vessel to any extent whatsoever for any and all loss, damage and injury caused by or resulting from the matters aforesaid.

**Seventh:** Not admitting, but denying any liability of himself or of said vessel for any loss, damage and injury occasioned or incurred by reason of the matters aforesaid or subsequent damages resulting there from, the Plaintiff further claims the benefits of Limitation of Liability provided by 46 U.S.C. § 30501 et . seq. of the United States Code and the various statutes amendatory thereof and supplementary thereto, and to that end the Plaintiff is ready and willing to give a stipulation with sufficient surety for the payment into Court of the amount or value, if any, of his interest in the M/V NAUT GUILTY, together with her pending freight, if any, at the end of the said voyage, whenever the same shall be ordered by the General Admiralty Rules and the practice of this Honorable Court.

**Eight:** All and singular the premises are true and within the admiralty and maritime jurisdiction of the United States and this Honorable Court.

**WHEREFORE,** the Plaintiff prays:

- (1) That the Court cause due appraisalment to be made of the amount or value of the Plaintiff's interest in the M/V NAUT GUILTY and her pending freight at the time of the incident, if any;
- (2) That the Court issue an Order directing the Plaintiff to file a Stipulation with surety to be approved by the Court for the payment into Court of the amount of the Plaintiff's interest in the said vessel at the time of the incident, or transfer Plaintiff's interest in the vessel to a trustee whenever the Court shall so order, or issue an order excusing the Plaintiff from furnishing a Stipulation;
- (3) That the Court issue an Order directing the issuance of a Monition to all persons claiming damages for any and all loss, injury, damage, or destruction done, occasioned or incurred by or resulting from the aforesaid voyage citing them to file with the Clerk of this Court in said Order and make due proof of their respective claims, and also to appear and answer the allegations of this Complaint according to the law and practices of this Court at or before a certain time to be fixed by the Monition;

- (4) That the Court make and order directing that on the giving of such a stipulation, or transfer of Plaintiff's interest in the vessel to a trustee as may be determined to be proper, or the Court making an order excusing the Plaintiff from giving a stipulation, an Injunction shall issue, restraining the prosecution of all actions, suits or other proceedings already begun to recover for damages, arising out of or occasioned by or consequent upon the alleged personal injury incident of May 30, 2015, as stated in the Complaint, and the commencement or prosecution hereafter of any suit, action or legal proceeding against the Plaintiff or the Plaintiff's heirs, executors, administrators, estates, successors, assigns and legal representatives in respect of any claim or claims arising out of the aforesaid voyage of the M/V NAUT GUILTY;
- (5) That the Court in these proceedings will adjudge that the Plaintiff is not liable to any extent for any loss, damage, injury or for any claim whatsoever in any way arising out of or in consequence of the personal injury incident on May 30, 2015, above described, or if the Plaintiff shall be adjudged liable, then such liability shall be limited to the amount of his interest in the M/V NAUT GUILTY at the end of the voyage in which she was engaged at the time of the incident, if any, and that a decree may be entered discharging the Plaintiff from any and all further liability; and
- (6) That the Plaintiff may have such other or further relief as the justice of the cause may require.

  
Benjamin P. Urbelis

**VERIFICATION**

Pursuant to 28 U.S.C. §1746, I, BENJAMIN P. URBELIS, declare under the penalty of perjury:

1. I reside at 24 Austin Street, Charlestown, Massachusetts 02129 and I am the sole owner of the M/V NAUT GUILTY and the Plaintiff herein.
2. I have read the foregoing Complaint and I know the contents thereof and the same are true to the best of my own knowledge, except as the matters therein stated to be upon information and belief and unto those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,

  
Benjamin P. Urbelis

Date: June 16, 2015  
Boston, MA